

Senate Study Bill 1286

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S
BUDGET BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to and making appropriations to the justice
2 system.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1014XG 83
5 jm/tm:jp/24

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1 1 Section 1. DEPARTMENT OF JUSTICE.
1 2 1. There is appropriated from the general fund of the
1 3 state to the department of justice for the fiscal year
1 4 beginning July 1, 2009, and ending June 30, 2010, the
1 5 following amounts, or so much thereof as is necessary, to be
1 6 used for the purposes designated:
1 7 a. For the general office of attorney general for
1 8 salaries, support, maintenance, and miscellaneous purposes,
1 9 including the prosecuting attorneys training program, victim
1 10 assistance grants, office of drug control policy (ODCP)
1 11 prosecuting attorney program, and odometer fraud enforcement:
1 12 \$ 8,751,311
1 13 It is the intent of the general assembly that as a
1 14 condition of receiving the appropriation provided in this
1 15 lettered paragraph, the department of justice shall maintain a
1 16 record of the estimated time incurred representing each agency
1 17 or department.
1 18 b. For victim assistance grants:
1 19 \$ 4,188,146
1 20 The funds appropriated in this lettered paragraph shall be
1 21 used to provide grants to care providers providing services to
1 22 crime victims of domestic abuse or to crime victims of rape
1 23 and sexual assault.
1 24 The balance of the victim compensation fund established in
1 25 section 915.94 may be used to provide salary and support of
1 26 not more than 22 FTEs and to provide maintenance for the
1 27 victim compensation functions of the department of justice.
1 28 c. For legal services for persons in poverty grants as
1 29 provided in section 13.34:
1 30 \$ 1,841,950
1 31 d. For the purpose of funding farm mediation services and
1 32 other farm assistance program provisions in accordance with
1 33 sections 13.13 through 13.24:
1 34 \$ 270,642
1 35 2. a. The department of justice, in submitting budget
2 1 estimates for the fiscal year commencing July 1, 2010,
2 2 pursuant to section 8.23, shall include a report of funding
2 3 from sources other than amounts appropriated directly from the
2 4 general fund of the state to the department of justice or to
2 5 the office of consumer advocate. These funding sources shall
2 6 include but are not limited to reimbursements from other state
2 7 agencies, commissions, boards, or similar entities, and
2 8 reimbursements from special funds or internal accounts within
2 9 the department of justice. The department of justice shall
2 10 also report actual reimbursements for the fiscal year
2 11 commencing July 1, 2008, and actual and expected
2 12 reimbursements for the fiscal year commencing July 1, 2009.
2 13 b. The department of justice shall include the report
2 14 required under paragraph "a", as well as information regarding
2 15 any revisions occurring as a result of reimbursements actually
2 16 received or expected at a later date, in a report to the co=
2 17 chairpersons and ranking members of the joint appropriations
2 18 subcommittee on the justice system and the legislative
2 19 services agency. The department of justice shall submit the

2 20 report on or before January 15, 2010.

2 21 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is

2 22 appropriated from the general fund of the state to the office

2 23 of consumer advocate of the department of justice for the

2 24 fiscal year beginning July 1, 2009, and ending June 30, 2010,

2 25 the following amount, or so much thereof as is necessary, to

2 26 be used for the purposes designated:

2 27 For salaries, support, maintenance, and miscellaneous

2 28 purposes:

2 29 \$ 2,831,693

2 30 Sec. 3. DEPARTMENT OF CORRECTIONS == FACILITIES.

2 31 1. There is appropriated from the general fund of the

2 32 state to the department of corrections for the fiscal year

2 33 beginning July 1, 2009, and ending June 30, 2010, the

2 34 following amounts, or so much thereof as is necessary, to be

2 35 used for the purposes designated:

3 1 For the operation of adult correctional institutions,

3 2 reimbursement of counties for certain confinement costs, and

3 3 federal prison reimbursement, to be allocated as follows:

3 4 a. For the operation of the Fort Madison correctional

3 5 facility, including salaries, support, maintenance, and

3 6 miscellaneous purposes:

3 7 \$ 46,563,717

3 8 b. For the operation of the Anamosa correctional facility,

3 9 including salaries, support, maintenance, and miscellaneous

3 10 purposes:

3 11 \$ 31,980,461

3 12 c. For the operation of the Oakdale correctional facility,

3 13 including salaries, support, maintenance, and miscellaneous

3 14 purposes:

3 15 \$ 59,992,169

3 16 d. For the operation of the Newton correctional facility,

3 17 including salaries, support, maintenance, and miscellaneous

3 18 purposes:

3 19 \$ 28,563,758

3 20 e. For the operation of the Mt. Pleasant correctional

3 21 facility, including salaries, support, maintenance, and

3 22 miscellaneous purposes:

3 23 \$ 28,103,428

3 24 f. For the operation of the Rockwell City correctional

3 25 facility, including salaries, support, maintenance, and

3 26 miscellaneous purposes:

3 27 \$ 9,536,069

3 28 g. For the operation of the Clarinda correctional

3 29 facility, including salaries, support, maintenance, and

3 30 miscellaneous purposes:

3 31 \$ 25,798,889

3 32 Moneys received by the department of corrections as

3 33 reimbursement for services provided to the Clarinda youth

3 34 corporation are appropriated to the department and shall be

3 35 used for the purpose of operating the Clarinda correctional

4 1 facility.

4 2 h. For the operation of the Mitchellville correctional

4 3 facility, including salaries, support, maintenance, and

4 4 miscellaneous purposes:

4 5 \$ 16,215,105

4 6 i. For the operation of the Fort Dodge correctional

4 7 facility, including salaries, support, maintenance, and

4 8 miscellaneous purposes:

4 9 \$ 30,547,421

4 10 j. For reimbursement of counties for temporary confinement

4 11 of work release and parole violators, as provided in sections

4 12 901.7, 904.908, and 906.17, and for offenders confined

4 13 pursuant to section 904.513:

4 14 \$ 967,983

4 15 k. For federal prison reimbursement, reimbursements for

4 16 out-of-state placements, and miscellaneous contracts:

4 17 \$ 241,293

4 18 2. The department of corrections shall use funds

4 19 appropriated in subsection 1 to continue to contract for the

4 20 services of a Muslim imam.

4 21 Sec. 4. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.

4 22 1. There is appropriated from the general fund of the

4 23 state to the department of corrections for the fiscal year

4 24 beginning July 1, 2009, and ending June 30, 2010, the

4 25 following amounts, or so much thereof as is necessary, to be

4 26 used for the purposes designated:

4 27 a. For general administration, including salaries,

4 28 support, maintenance, employment of an education director to

4 29 administer a centralized education program for the

4 30 correctional system, and miscellaneous purposes:

4 31 \$ 5,047,861
 4 32 (1) It is the intent of the general assembly that as a
 4 33 condition of receiving the appropriation provided in this
 4 34 lettered paragraph the department of corrections shall not,
 4 35 except as otherwise provided in subparagraph (3), enter into a
 5 1 new contract, unless the contract is a renewal of an existing
 5 2 contract, for the expenditure of moneys in excess of \$100,000
 5 3 during the fiscal year beginning July 1, 2009, for the
 5 4 privatization of services performed by the department using
 5 5 state employees as of July 1, 2009, or for the privatization
 5 6 of new services by the department without prior consultation
 5 7 with any applicable state employee organization affected by
 5 8 the proposed new contract and prior notification of the co=
 5 9 chairpersons and ranking members of the joint appropriations
 5 10 subcommittee on the justice system.
 5 11 (2) It is the intent of the general assembly that each
 5 12 lease negotiated by the department of corrections with a
 5 13 private corporation for the purpose of providing private
 5 14 industry employment of inmates in a correctional institution
 5 15 shall prohibit the private corporation from utilizing inmate
 5 16 labor for partisan political purposes for any person seeking
 5 17 election to public office in this state and that a violation
 5 18 of this requirement shall result in a termination of the lease
 5 19 agreement.
 5 20 (3) It is the intent of the general assembly that as a
 5 21 condition of receiving the appropriation provided in this
 5 22 lettered paragraph the department of corrections shall not
 5 23 enter into a lease or contractual agreement pursuant to
 5 24 section 904.809 with a private corporation for the use of
 5 25 building space for the purpose of providing inmate employment
 5 26 without providing that the terms of the lease or contract
 5 27 establish safeguards to restrict, to the greatest extent
 5 28 feasible, access by inmates working for the private
 5 29 corporation to personal identifying information of citizens.
 5 30 b. For educational programs for inmates at state penal
 5 31 institutions:
 5 32 \$ 1,570,358
 5 33 As a condition of receiving the appropriation in this
 5 34 lettered paragraph, the department of corrections shall
 5 35 transfer at least \$300,000 from the canteen operating funds
 6 1 established pursuant to section 904.310 to be used for
 6 2 correctional educational programs funded in this lettered
 6 3 paragraph.
 6 4 It is the intent of the general assembly that moneys
 6 5 appropriated in this lettered paragraph shall be used solely
 6 6 for the purpose indicated and that the moneys shall not be
 6 7 transferred for any other purpose. In addition, it is the
 6 8 intent of the general assembly that the department shall
 6 9 consult with the community colleges in the areas in which the
 6 10 institutions are located to utilize moneys appropriated in
 6 11 this lettered paragraph to fund the high school completion,
 6 12 high school equivalency diploma, adult literacy, and adult
 6 13 basic education programs in a manner so as to maintain these
 6 14 programs at the institutions.
 6 15 To maximize the funding for educational programs, the
 6 16 department shall establish guidelines and procedures to
 6 17 prioritize the availability of educational and vocational
 6 18 training for inmates based upon the goal of facilitating an
 6 19 inmate's successful release from the correctional institution.
 6 20 The director of the department of corrections may transfer
 6 21 moneys from Iowa prison industries for use in educational
 6 22 programs for inmates.
 6 23 Notwithstanding section 8.33, moneys appropriated in this
 6 24 lettered paragraph that remain unobligated or unexpended at
 6 25 the close of the fiscal year shall not revert but shall remain
 6 26 available for expenditure only for the purpose designated in
 6 27 this lettered paragraph until the close of the succeeding
 6 28 fiscal year.
 6 29 c. For the development of the Iowa corrections offender
 6 30 network (ICON) data system:
 6 31 \$ 427,700
 6 32 d. For offender mental health and substance abuse
 6 33 treatment:
 6 34 \$ 24,994
 6 35 e. For viral hepatitis prevention and treatment:
 7 1 \$ 188,000
 7 2 f. For a transitional housing pilot project for offenders
 7 3 on parole who are in the early stages of recovery from
 7 4 substance abuse:
 7 5 \$ 30,000
 7 6 2. It is the intent of the general assembly that the

7 7 department of corrections shall continue to operate the
7 8 correctional farms under the control of the department at the
7 9 same or greater level of participation and involvement as
7 10 existed as of January 1, 2009; shall not enter into any rental
7 11 agreement or contract concerning any farmland under the
7 12 control of the department that is not subject to a rental
7 13 agreement or contract as of January 1, 2009, without prior
7 14 legislative approval; and shall further attempt to provide job
7 15 opportunities at the farms for inmates. The department shall
7 16 attempt to provide job opportunities at the farms for inmates
7 17 by encouraging labor-intensive farming or gardening where
7 18 appropriate; using inmates to grow produce and meat for
7 19 institutional consumption; researching the possibility of
7 20 instituting food canning and cook-and-chill operations; and
7 21 exploring opportunities for organic farming and gardening,
7 22 livestock ventures, horticulture, and specialized crops.

7 23 3. As a condition of receiving the appropriations made in
7 24 this section, the department of corrections shall develop and
7 25 implement offender reentry centers in Black Hawk and Polk
7 26 counties to provide transitional planning and release
7 27 primarily for offenders released from the Iowa correctional
7 28 institution for women at Mitchellville and the Fort Dodge
7 29 correctional facility. Programming shall include minority and
7 30 gender-specific responsiveness, employment, substance abuse
7 31 treatment, mental health services, housing, and family
7 32 reintegration. The department of corrections shall
7 33 collaborate with the first and fifth judicial district
7 34 departments of correctional services, the Iowa department of
7 35 workforce development, the department of human services,
8 1 community-based providers and faith-based organizations, and
8 2 local law enforcement.

8 3 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
8 4 SERVICES.

8 5 1. There is appropriated from the general fund of the
8 6 state to the department of corrections for the fiscal year
8 7 beginning July 1, 2009, and ending June 30, 2010, for the
8 8 treatment and supervision of probation and parole violators
8 9 who have been released from the department of corrections
8 10 violator program, the following amounts, or so much thereof as
8 11 is necessary, to be allocated as follows:

8 12 a. For the first judicial district department of
8 13 correctional services:

8 14 \$ 14,747,901

8 15 As a condition of the funds appropriated in this lettered
8 16 paragraph, the department of corrections shall replace expired
8 17 federal funding by expending at least \$140,000 for the dual
8 18 diagnosis program.

8 19 b. For the second judicial district department of
8 20 correctional services:

8 21 \$ 11,673,896

8 22 c. For the third judicial district department of
8 23 correctional services:

8 24 \$ 6,484,543

8 25 d. For the fourth judicial district department of
8 26 correctional services:

8 27 \$ 5,935,082

8 28 e. For the fifth judicial district department of
8 29 correctional services, including funding for electronic
8 30 monitoring devices for use on a statewide basis:

8 31 \$ 22,558,982

8 32 f. For the sixth judicial district department of
8 33 correctional services:

8 34 \$ 15,019,341

8 35 The sixth judicial district department of correctional
9 1 services shall maintain a youth leadership model program to
9 2 help at-risk youth. As a part of the program, the district
9 3 department may recruit college or high school students in the
9 4 judicial district to work with at-risk youth. The student
9 5 workers shall be recruited regardless of gender and be
9 6 recommended by their respective schools as good role models,
9 7 including but not limited to students who possess capabilities
9 8 in one or more of the following areas of ability: intellectual
9 9 capacity, athletics, visual arts, or performing arts.

9 10 g. For the seventh judicial district department of
9 11 correctional services:

9 12 \$ 7,564,124

9 13 h. For the eighth judicial district department of
9 14 correctional services:

9 15 \$ 7,583,264

9 16 2. Each judicial district department of correctional
9 17 services, within the funding available, shall continue

9 18 programs and plans established within that district to provide
9 19 for intensive supervision, sex offender treatment, diversion
9 20 of low-risk offenders to the least restrictive sanction
9 21 available, job development, and expanded use of intermediate
9 22 criminal sanctions.

9 23 3. Each judicial district department of correctional
9 24 services shall provide alternatives to prison consistent with
9 25 chapter 901B. The alternatives to prison shall ensure public
9 26 safety while providing maximum rehabilitation to the offender.
9 27 A judicial district department of correctional services may
9 28 also establish a day program.

9 29 4. The governor's office of drug control policy shall
9 30 consider federal grants made to the department of corrections
9 31 for the benefit of each of the eight judicial district
9 32 departments of correctional services as local government
9 33 grants, as defined pursuant to federal regulations.

9 34 5. The department of corrections shall continue to
9 35 contract with a judicial district department of correctional
10 1 services to provide for the rental of electronic monitoring
10 2 equipment which shall be available statewide.

10 3 Sec. 6. DEPARTMENT OF CORRECTIONS == REALLOCATION OF
10 4 APPROPRIATIONS. Notwithstanding section 8.39, within the
10 5 funds appropriated in this Act to the department of
10 6 corrections, the department may reallocate the funds
10 7 appropriated and allocated as necessary to best fulfill the
10 8 needs of the correctional institutions, administration of the
10 9 department, and the judicial district departments of
10 10 correctional services. However, in addition to complying with
10 11 the requirements of sections 904.116 and 905.8 and providing
10 12 notice to the legislative services agency, the department of
10 13 corrections shall also provide notice to the department of
10 14 management, prior to the effective date of the revision or
10 15 reallocation of an appropriation made pursuant to this
10 16 section. The department shall not reallocate an appropriation
10 17 or allocation for the purpose of eliminating any program.

10 18 Sec. 7. INTENT == REPORTS.

10 19 1. The department in cooperation with townships, the Iowa
10 20 cemetery associations, and other nonprofit or governmental
10 21 entities may use inmate labor during the fiscal year beginning
10 22 July 1, 2009, to restore or preserve rural cemeteries and
10 23 historical landmarks. The department in cooperation with the
10 24 counties may also use inmate labor to clean up roads, major
10 25 water sources, and other water sources around the state.

10 26 2. The department shall provide an annual report regarding
10 27 private-sector employment to the legislative services agency
10 28 beginning on July 1, 2009. The report shall include the
10 29 number of offenders employed in the private sector, the
10 30 combined number of hours worked by the offenders, and the
10 31 total amount of allowances, and the distribution of allowances
10 32 pursuant to section 904.702, including any moneys deposited in
10 33 the general fund of the state.

10 34 Sec. 8. ELECTRONIC MONITORING REPORT. The department of
10 35 corrections shall submit a report on electronic monitoring to
11 1 the general assembly, to the co-chairpersons and the ranking
11 2 members of the joint appropriations subcommittee on the
11 3 justice system, and to the legislative services agency by
11 4 January 15, 2010. The report shall specifically address the
11 5 number of persons being electronically monitored and break
11 6 down the number of persons being electronically monitored by
11 7 offense committed. The report shall also include a comparison
11 8 of any data from the prior fiscal year with the current year.

11 9 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

11 10 1. As used in this section, unless the context otherwise
11 11 requires, "state agency" means the government of the state of
11 12 Iowa, including but not limited to all executive branch
11 13 departments, agencies, boards, bureaus, and commissions, the
11 14 judicial branch, the general assembly and all legislative
11 15 agencies, institutions within the purview of the state board
11 16 of regents, and any corporation whose primary function is to
11 17 act as an instrumentality of the state.

11 18 2. State agencies are hereby encouraged to purchase
11 19 products from Iowa state industries, as defined in section
11 20 904.802, when purchases are required and the products are
11 21 available from Iowa state industries. State agencies shall
11 22 obtain bids from Iowa state industries for purchases of office
11 23 furniture during the fiscal year beginning July 1, 2009,
11 24 exceeding \$5,000 or in accordance with applicable
11 25 administrative rules related to purchases for the agency.

11 26 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated
11 27 from the general fund of the state to the office of the state
11 28 public defender of the department of inspections and appeals

for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be allocated as follows for the purposes designated:

1. For salaries, support, maintenance, and miscellaneous purposes: \$ 22,247,829

2. For the fees of court-appointed attorneys for indigent adults and juveniles, in accordance with section 232.141 and chapter 815: \$ 26,633,314

Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

1. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, including jailer training and technical assistance: \$ 1,192,311

It is the intent of the general assembly that the Iowa law enforcement academy may provide training of state and local law enforcement personnel concerning the recognition of and response to persons with Alzheimer's disease.

The Iowa law enforcement academy may temporarily exceed and draw more than the amount appropriated and incur a negative cash balance as long as there are receivables equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

2. The Iowa law enforcement academy may select at least five automobiles of the department of public safety, division of state patrol, prior to turning over the automobiles to the department of administrative services to be disposed of by public auction, and the Iowa law enforcement academy may exchange any automobile owned by the academy for each automobile selected if the selected automobile is used in training law enforcement officers at the academy. However, any automobile exchanged by the academy shall be substituted for the selected vehicle of the department of public safety and sold by public auction with the receipts being deposited in the depreciation fund to the credit of the department of public safety, division of state patrol.

Sec. 12. BOARD OF PAROLE. There is appropriated from the general fund of the state to the board of parole for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes: \$ 1,170,529

Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. MILITARY DIVISION

For salaries, support, maintenance, and miscellaneous purposes: \$ 5,948,420

The military division may temporarily exceed and draw more than the amount appropriated and incur a negative cash balance as long as there are receivables of federal funds equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes: \$ 2,068,895

The homeland security and emergency management division may temporarily exceed and draw more than the amount appropriated and incur a negative cash balance as long as there are receivables of federal funds equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

It is the intent of the general assembly that the homeland security and emergency management division work in conjunction with the department of public safety, to the extent possible, when gathering and analyzing information related to potential domestic or foreign security threats, and when monitoring such

14 5 threats.

14 6 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is

14 7 appropriated from the general fund of the state to the

14 8 department of public safety for the fiscal year beginning July

14 9 1, 2009, and ending June 30, 2010, the following amounts, or

14 10 so much thereof as is necessary, to be used for the purposes

14 11 designated:

14 12 1. For the department's administrative functions,

14 13 including the criminal justice information system:

14 14 \$ 4,470,414

14 15 2. For the division of criminal investigation, including

14 16 the state's contribution to the peace officers' retirement,

14 17 accident, and disability system provided in chapter 97A in the

14 18 amount of the state's normal contribution rate, as defined in

14 19 section 97A.8, multiplied by the salaries for which the funds

14 20 are appropriated, to meet federal fund matching requirements:

14 21 \$ 21,506,406

14 22 3. For the criminalistics laboratory fund created in

14 23 section 691.9:

14 24 \$ 342,000

14 25 4. a. For the division of narcotics enforcement,

14 26 including the state's contribution to the peace officers'

14 27 retirement, accident, and disability system provided in

14 28 chapter 97A in the amount of the state's normal contribution

14 29 rate, as defined in section 97A.8, multiplied by the salaries

14 30 for which the funds are appropriated, to meet federal fund

14 31 matching requirements:

14 32 \$ 6,501,493

14 33 b. For the division of narcotics enforcement for

14 34 undercover purchases:

14 35 \$ 123,343

15 1 5. For the division of state fire marshal, for fire

15 2 protection services as provided through the state fire service

15 3 and emergency response council as created in the department,

15 4 and for the state's contribution to the peace officers'

15 5 retirement, accident, and disability system provided in

15 6 chapter 97A in the amount of the state's normal contribution

15 7 rate, as defined in section 97A.8, multiplied by the salaries

15 8 for which the funds are appropriated:

15 9 \$ 4,060,859

15 10 6. For the division of state patrol, for salaries,

15 11 support, maintenance, workers' compensation costs, and

15 12 miscellaneous purposes, including the state's contribution to

15 13 the peace officers' retirement, accident, and disability

15 14 system provided in chapter 97A in the amount of the state's

15 15 normal contribution rate, as defined in section 97A.8,

15 16 multiplied by the salaries for which the funds are

15 17 appropriated:

15 18 \$ 50,971,409

15 19 It is the intent of the general assembly that members of

15 20 the state patrol be assigned to patrol the highways and roads

15 21 in lieu of assignments for inspecting school buses for the

15 22 school districts.

15 23 7. For deposit in the sick leave benefits fund established

15 24 under section 80.42 for all departmental employees eligible to

15 25 receive benefits for accrued sick leave under the collective

15 26 bargaining agreement:

15 27 \$ 316,179

15 28 8. For costs associated with the training and equipment

15 29 needs of volunteer fire fighters:

15 30 \$ 692,697

15 31 Notwithstanding section 8.33, moneys appropriated in this

15 32 subsection that remain unencumbered or unobligated at the

15 33 close of the fiscal year shall not revert but shall remain

15 34 available for expenditure only for the purpose designated in

15 35 this subsection until the close of the succeeding fiscal year.

16 1 Notwithstanding section 8.39, within the funds appropriated

16 2 in this section the department of public safety may reallocate

16 3 funds as necessary to best fulfill the needs provided for in

16 4 the appropriation. However, the department shall not

16 5 reallocate an appropriation made to the department in this

16 6 section unless notice of the reallocation is given to the

16 7 legislative services agency and the department of management

16 8 prior to the effective date of the reallocation. The notice

16 9 shall include information about the rationale for reallocating

16 10 the appropriation. The department shall not reallocate an

16 11 appropriation made in this section for the purpose of

16 12 eliminating any program.

16 13 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated

16 14 from the general fund of the state to the Iowa state civil

16 15 rights commission for the fiscal year beginning July 1, 2009,

16 16 and ending June 30, 2010, the following amount, or so much
16 17 thereof as is necessary, to be used for the purposes
16 18 designated:

16 19 For salaries, support, maintenance, and miscellaneous
16 20 purposes:

16 21 \$ 1,444,792

16 22 The Iowa state civil rights commission may enter into a
16 23 contract with a nonprofit organization to provide legal
16 24 assistance to resolve civil rights complaints.

16 25 Sec. 16. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
16 26 DIVISION. There is appropriated from the wireless E911
16 27 emergency communications fund created in section 34A.7A to the
16 28 administrator of the homeland security and emergency
16 29 management division of the department of public defense for
16 30 the fiscal year beginning July 1, 2009, and ending June 30,
16 31 2010, an amount not exceeding \$200,000 to be used for
16 32 implementation, support, and maintenance of the functions of
16 33 the administrator and program manager under chapter 34A and to
16 34 employ the auditor of the state to perform an annual audit of
16 35 the wireless E911 emergency communications fund.

17 1 Sec. 17. INTERIM REPORTING == IMPLEMENTATION. The board
17 2 of parole shall develop and implement the certificate of
17 3 employability program as provided in section 906.19. The
17 4 board shall file an interim status report regarding the
17 5 certificate of employability program development with the
17 6 general assembly and the legislative services agency by
17 7 January 1, 2010.

17 8 Sec. 18. CENTRAL WAREHOUSE AND SUPPLY DEPOT OF DEPARTMENT
17 9 OF HUMAN SERVICES. Upon completion of the central warehouse
17 10 and supply depot of the department of corrections established
17 11 pursuant to section 904.118A, the department of human services
17 12 shall cease utilizing the central warehouse and supply depot
17 13 of the department of human services established pursuant to
17 14 section 218.100.

17 15 Sec. 19. Section 13B.4, subsection 2, Code 2009, is
17 16 amended to read as follows:

17 17 2. The state public defender shall file a notice with the
17 18 clerk of the district court in each county served by a public
17 19 defender designating which public defender office shall
17 20 receive notice of appointment of cases. The state public
17 21 defender may also ~~designate enter into a contract with a~~
17 22 ~~nonprofit organization which has a contract with the state~~
~~17 23 public defender to or an attorney, designating that the~~
~~17 24 nonprofit organization or attorney provide legal services to~~
17 25 eligible indigent persons as the state public defender's
17 26 designee. In each county in which the state public defender
17 27 files a designation, the state public defender's designee
17 28 shall be appointed by the court to represent all eligible
17 29 persons or to serve as guardian ad litem for eligible children
17 30 in juvenile court in all cases and proceedings specified in
17 31 the designation. The appointment shall not be made if the
17 32 state public defender or the state public defender's designee
17 33 notifies the court that the state public defender's designee
17 34 will not provide services in certain cases as identified in
17 35 the designation by the state public defender.

18 1 Sec. 20. Section 13B.4, subsection 4, paragraph c,
18 2 subparagraph (2), subparagraph division (d), Code 2009, is
18 3 amended to read as follows:

18 4 (d) If the claimant was appointed contrary to section
18 5 814.11 or 815.10, or the claimant failed to comply with
18 6 section 814.11, subsection 6, or section 815.10, subsection 5.

18 7 Sec. 21. Section 80B.11B, subsection 2, Code 2009, is
18 8 amended to read as follows:

18 9 2. The Iowa law enforcement academy may also charge the
18 10 department of natural resources or other agency or department
18 11 of the state, a member of a police force of a city or county,
18 12 or any political subdivision of the state not more than
18 13 one-half of the cost of providing the basic training course
18 14 which is designed to meet the minimum basic training
18 15 requirements for a law enforcement officer. However, the
18 16 academy may charge more than one-half of the cost of providing
18 17 the basic training course if a majority of the Iowa law
18 18 enforcement academy council voting members approve charging
18 19 more than one-half of the cost of providing the course. All
18 20 other candidates to the law enforcement academy, including a
18 21 candidate from a tribal government, shall pay the full costs
18 22 of providing the basic training requirements for a law
18 23 enforcement officer.

18 24 Sec. 22. Section 80B.13, Code 2009, is amended by adding
18 25 the following new subsection:

18 26 NEW SUBSECTION. 11. Authorize the academy to charge more

18 27 than one-half the cost of providing the basic training course
18 28 pursuant to section 80B.11B.

18 29 EXPLANATION

18 30 This bill makes appropriations from the general fund of the
18 31 state for fiscal year 2009=2010 to the departments of justice,
18 32 corrections, public defense, and public safety, and the Iowa
18 33 law enforcement academy, office of consumer advocate, office
18 34 of the state public defender, board of parole, and Iowa state
18 35 civil rights commission.

19 1 The bill also appropriates moneys, not to exceed \$200,000,
19 2 from the wireless E911 emergency communications fund to the
19 3 homeland security and emergency management division for
19 4 implementation, support, and maintenance of the functions of
19 5 the administrator and program manager of the E911 emergency
19 6 system.

19 7 The bill provides that the department of corrections may
19 8 reallocate appropriated funds between the institutions of the
19 9 department of corrections, the department's administration,
19 10 and the judicial district departments of correctional
19 11 services. The bill provides the department, prior to the
19 12 effective date of any reallocation, must provide notice to the
19 13 department of management, the legislative services agency, and
19 14 the district board of any judicial district department of
19 15 correctional services affected by the reallocation.

19 16 The bill provides that the department of public safety may
19 17 also reallocate the funds appropriated to the department
19 18 between the divisions of the department. The bill provides
19 19 that the department, prior to the effective date of any
19 20 reallocation, must provide notice of the reallocation to the
19 21 department of management and the legislative services agency.

19 22 The bill amends Code section 13B.4 to allow the state
19 23 public defender to enter into a contract with an attorney
19 24 designating that the attorney provide legal services to
19 25 eligible indigent persons as the state public defender's
19 26 designee. Under the bill, if the state public defender files
19 27 such a designation in a county, the attorney shall be
19 28 appointed by the court to represent all eligible indigent
19 29 persons in all cases specified in the designation. Currently,
19 30 only a nonprofit organization is allowed to act as the state
19 31 public defender's designee in a county where such a
19 32 designation exists.

19 33 The bill also amends Code section 13B.4 to specify that the
19 34 state public defender may deny a claim for indigent defense
19 35 fees and expenses if the attorney was appointed contrary to
20 1 the provisions of Code section 815.10. The bill also
20 2 specifies that the state public defender may deny a claim for
20 3 indigent defense fees and expenses if the appointment of the
20 4 attorney was not on a rotational basis, considering the
20 5 experience of the attorney and the difficulty of the case.

20 6 The bill amends Code section 80B.11B and 80B.13 to provide
20 7 that the Iowa law enforcement academy may charge a department
20 8 of the state, a member of a police force, or any political
20 9 subdivision of the state more than one-half of the cost to
20 10 provide the basic training course for a law enforcement
20 11 officer, provided a majority of the Iowa law enforcement
20 12 council approves such a charge. Current statutory provisions
20 13 prohibit the Iowa law enforcement academy from charging more
20 14 than one-half of the cost of providing the basic training
20 15 course.

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